

**DRAFT FILED: 3/3/09**  
**FINAL APPROVAL: 3/18/09**

**VILLAGE OF CROTON-ON-HUDSON WATER CONTROL COMMISSION**  
**MEETING MINUTES OF FEBRUARY 18, 2009.**

MEMBERS PRESENT: Stuart Greenbaum  
Mark Goldfarb  
Vita Rhodes

ALSO PRESENT: Daniel O'Connor, Village Engineer

Meeting came to order at 7:30 P.M.

**NO HEARINGS SCHEDULED:**

**NEW BUSINESS:**

**Con Edison Company of New York Inc. Property located along the area of Albany Post Road, (between Baltic Place and Prickly Pear Hill Road). The applicant is requesting the Board to grant a Wetlands Activity Permit to upgrade and replace utility poles.**

Henry Stawicki, representative of Con Edison Company of New York, Inc. - We are proposing approximately forty poles that need to be replaced on the west side of Albany Post Road. It is for the upgrading of equipment. A number of the poles are damaged from collisions and some are old and need to be replaced. The idea is to relieve the load feed on that particular feeder and upgrade it with better transformers and larger cable. There will be bigger poles to support the load.

Dan O'Connor, Village Engineer, stated that on Albany Post Road there will be approximately four poles in the area of interest for the WCC. Also, across the street by Arrowcrest Drive there will be three poles.

Stawicki – There will be various other poles that will need extra protection. We will dig holes approximately six feet deep and three feet wide; right next to the existing poles. Then all three utilities, Con Ed, Telephone and Cable, will switch their service and Cablevision will be responsible for removing the pole. After the poles are removed it will be backfilled. In the Wetland areas we will provide erosion controls and seed mix. We will use biodegradable materials instead of using a more damaging silt fence.

Greenbaum – What kind of heavy equipment will you be using and where will it be stationed?

Stawicki – It will be stationed on the side of the road.

Greenbaum – Will neighbors be notified when the electric, etc., will be turned off?

Stawicki – No. That will not be necessary. It will be re-directed into a separate feeder to keep everyone in power.

Rhodes – Have any poles in this vicinity been replaced?

Stawicki – There have been poles coming down due to aging and vehicle accidents. We are trying to prevent any further damage of the network.

Rhodes - What are the depth of the poles?

Stawicki – 6 ft. to 8 ft.

Rhodes – Do you expect to find bedrock in this vicinity?

Stawicki – I expect to find some but, not much.

O'Connor – Will you pack around the pole to support the excess silt?

Stawicki – We will try to level the rest of the ground around it and use rip rap so no silt will escape into the wetland or sewer.

O'Connor – The soil that is dug for the new pole will be put back into the area where the old pole was removed?

Stawicki – Yes and then it will be leveled. The D.E.C. has been very happy with our restoration contractors. We have used them for many emergency jobs and the D.E.C. has been very happy with them. The Town of Cortland has also been satisfied with their work.

O'Connor – Do you have a work schedule to complete the work?

Stawicki – As soon as possible. I know they want to start the work in March; almost immediately. They want it completed by the time the warm weather comes and the peak load comes.

O'Connor – After Con Edison transfers, Con Edison will notify the other services that they are to remove theirs?

Stawicki – Yes and as soon as everyone has their services turned over they will be pulling the poles.

Greenbaum – Any other questions?

There were no other questions.

Discussion Closed.

Goldfarb – Made Motion to Grant the Wetlands Activity permit with the following Conditions:

It will be subject to the mitigation measures outlined in the Standard FAC-003-1 – Transmission Vegetation Management Program that was submitted with the application and according to the conditions outlined in the Memo from Daniel O'Connor, dated December 18, 2008.

Greenbaum – Second the Motion

Vote: 3-0 – In Favor – Goldfarb, Greenbaum, Rhodes

**Fallacaro Property – 3 Arrowcrest Drive – Section 67.15 Block 1 Lot 33. Referral from the Planning Board to the Water Control Commission with respect to an Application for a Wetlands Activity Permit for an existing retaining wall.**

Norman Sheer, Esq. - Bank, Sheer, Seymour, White Plains, N.Y. – Represented the Applicant. – We have not yet replied to your Board with respect to this application. This application will involve four Boards (Planning Board, Water Control Commission, Waterfront Advisory Committee and the Zoning Board). The Fallacaro's did a certain amount of work without the benefit of a permit. The structure was a long triple tiered wall. We are now before the Planning Board. We were referred to the Water Control Commission by the Planning Board and we will be submitting our application to you. The wall is too high according to Village Code. We are coming to the Water Control Commission for relocation of water forces. The second drawing that was submitted is the

original site plans for 3 Arrowcrest Drive. There was a water course running down this way (referring to plans). When they did the construction the watercourse was moved. The water was running down Jerry Russell's garage. When Mr. Fallacaro built the wall he leveled this out (referring to plans) and he now has the drainage going through the wall and it solved Mr. Russell's problem. When the Fallacaro's built the pool they found that water was seeping down through this area (referring to plans).

Discussion followed over plans.

Sheer – It is because of the relocation of this water course (referring to plans) that we have to come to you. We would like to schedule a site visit for March 28<sup>th</sup>, with all of the Boards that will be involved. We have a report with respect to the safety of the wall from a structural engineer. We are having radar done to show what is in the back of the wall.

Greenbaum – Is this water all year round?

Fallacaro – Approximately seven or eight months out of a year.

O'Connor - How wide is the channel uphill from the property?

Fallacaro – About two feet wide.

Discussion followed over plans.

Rhodes – There has been flooding in this area (referring to plans).

O'Connor – I know there has been flooding further south of Prickly Pear Hill Road.

Discussion followed over plans.

Rhodes – Across from here (referring to plans) there seems to be a detention pond or something.

Fallacaro – (Referring to Plans) This drains into here and goes here and it goes into a pond here.

Discussion followed over plans and other areas that have flooding.

Sheer – We are requesting to legalize it as it is.

Rhodes – Is this an as-built survey with existing topo's?

Fallacaro – Yes.

Rhodes – Has there been any erosion in this area?

Fallacaro – No.

Rhodes – Was it filled?

Fallacaro – Yes.

Rhodes - With What?

Fallacaro – With rock from the blasting.

Sheer– The wall has not moved one inch according to the structural engineer.

Greenbaum – These questions are engineering questions. This is the consequences of building without a permit. What is done is done. I would like to see the site before we say this is acceptable to the Water Control Commission.

Discussion followed over plans.

O'Connor – There is an application before the Planning Board for some Site Plan issues. It will then be referred to the Water Control Commission by the Planning Board for a Wetlands Activity Permit. We can then look at how the water gets into the structure and how and where it is being discharged.

Fallacarro – It goes into a catch basin. It goes through two to three catch basins in the area before it goes through the wall.

O'Connor – The Water Control Commission can make recommendations to the Planning Board with respect to any concerns they may have.

Rhodes – What are the elevations from the road? As you go up Arrowcrest Rd., there is rock outcropping and ice. There are streams, etc.

Fallacarro – When I moved in they had it diverted and they made a culvert, but not a good one. It would just wash down and you would get this pattern and it just eroded everything. My theory was to collect it and this is what I tried to do.

O'Connor – This is not really a wetland, it is a water course in theory.

Greenbaum – Any other questions?

There was no reply.

Everyone agreed to schedule a site visit for Saturday, March 28<sup>th</sup> at 10:00 A.M. at 3 Arrowcrest Drive.

Meeting closed.

**Discussions:**

**WCC Membership**

Greenbaum – Discussed the fact that the WCC is still waiting for a response from the Village Board with respect to a request the WCC submitted to fill two vacancies for the WCC.

The WCC Members suggested two other persons who may be interested and suggested the WCC Secretary contact those persons to see if they would be interested before recommending them to the Village Board.

Respectfully submitted,

Janice Fuentes  
WCC Secretary  
2/18/09

## **RESOLUTION**

**Con Edison Company of New York Inc.**, has applied to the Water Control Commission in the Village of Croton-on-Hudson, requesting a Wetlands Activity Permit with respect to the proposed project on Albany Post Rd. (From Prickly Pear Hill Road to the Northern Village boundary, for pole replacement and system upgrade.

The property is located along the area of Albany Post Road (Between Baltic Place & Prickly Pear Hill Road.,

A public hearing having been held after due notice;

**NOW, THEREFORE, BE IT RESOLVED**, that the application is hereby **GRANTED** as follows:

Goldfarb – Made Motion to Grant the Wetlands Activity permit with the following Conditions:

It will be subject to the mitigation measures outlined in the Standard FAC-003-1 – Transmission Vegetation Management Program that was submitted with the application and according to the conditions outlined in the Memo from Daniel O'Connor, dated December 18, 2008.

Greenbaum – Second the Motion

Vote: 3-0 – In Favor – Goldfarb, Greenbaum, Rhodes

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